

# TOWN OF SOUTHAMPTON

Department of Land Management  
Zoning Board of Appeals  
116 HAMPTON ROAD  
SOUTHAMPTON, NY 11968

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## ***PRELIMINARY AGENDA – NOT OFFICIAL***

### **SOUTHAMPTON TOWN ZONING BOARD OF APPEALS PUBLIC HEARING AGENDA June 18, 2015**

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: [www.southamptontownny.gov](http://www.southamptontownny.gov)

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

**Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application**

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#### **MINOR VARIANCE REVIEW**

#### **SCTM - HAMLET**

None scheduled for this meeting

#### **RE-ADVERTISED MINOR VARIANCE REVIEW**

#### **SCTM - HAMLET**

1. **Shoji Building Group, Inc.** (appl. 1500067) Helene 900-177-2-38.1 Shinnecock Hills  
132 Hill Station Road  
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for a principal front yard setback to 63.3 feet where 80 feet is required and a rear yard setback of 86.3 feet where 100 feet is required for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

#### **NEW APPLICATIONS**

#### **SCTM – HAMLET**

2. **James Anderson** (appl. 1500075) Keith 900-373-2-41 East Quogue  
52 West End Avenue  
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed one-story addition to the west side of the existing dwelling: (i) relief from the "D" Zone regulations pursuant to §330-115D(3) (continuance) for a proposed front yard setback to 22 feet from Grand Avenue where 30 feet is required and (ii) relief from §330-115C (continuance) for a proposed front yard setback to 27 feet from West End Avenue where 27.6 feet is existing; and 2. For a gazebo constructed within the required front yard without the benefit of a building permit: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83C (yards), and (iii) §330-115D(3) for an accessory front yard setback of 17.3 feet from West End Avenue where 40 is required any other relief necessary.

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**NEW APPLICATIONS - Continued**

**SCTM – HAMLET**

3.     **Zeil Feldman** (appl. 1500087)                      Herb                      900-179-2-27.1     Bridgehampton  
187 Dune Road  
1) Applicant requests relief from Town Code §330-11 (note 6) (residence districts table of dimensional regulations) to allow the existing house to be raised and to allow a proposed addition to have a height of 45'-5" where a maximum of 42 feet is permitted; 2) In addition, applicant requests relief from the following provisions of the Town Code to allow the proposed swimming pool to be located within the required minimum and total side yard of the principal dwelling: (i) §330-76D (placement of accessory building and uses in all districts), (ii) §330-83C (yards) and §330-11 (residence districts table of dimensional regulations) for an accessory side yard setback of 21.7 feet where 30 feet is required; 3) The applicant also requests relief from §330-46.2 (1) (Coastal Erosion Hazard Adjacent Areas) to allow a proposed spa and deck to be located 89 feet from the primary dune where 125 feet is required and to allow a proposed swimming pool to be located 96.4 feet from the primary dune where 125 feet is required and any other relief necessary.
  
4.     **Herringbone Crescent** (appl. 1500092)     Laura                      900-17-2-5             Noyac  
41 Crescent Street  
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 1,840 cubic feet for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.
  
5.     **Maryann McAlpin –Giraldo** (appl. 1500091)     Denise                      900-93-1-6             North Sea  
57 Big Fresh Pond Road  
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed renovation and a proposed second story addition to an existing residence, a total proposed encroachment in the amount of 3769.8 cubic feet 276.6 cu ft for a portion of the existing one-story roofline to be raised + 3493.2 cu ft for the proposed second story addition) and any other relief necessary.
  
6.     **Eternity Non-Related Guarantee Management LLC.** (appl. 1500088)  
475 David Whites Lane                      Brian                      900-132-2-14     North Sea  
Applicant requests the following relief from Town Code §330-11 (residence districts table of dimensional regulations): (i) principal rear yard setbacks of 63.99 feet and 67.74 feet for a proposed two-story residence with attached garage where a minimum of 100 feet is required, (ii) an accessory distance from street setback of 85.02 feet for a proposed swimming pool, and (iii) accessory distance from street setbacks of 65.74 feet and 66.07 feet for a proposed tennis court, all where a minimum accessory front yard setback of 90 feet is required and any other relief necessary.

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**NEW APPLICATIONS - Continued**

**SCTM – HAMLET**

7. **Greg & Susan Mastronardi** (appl. 1500089) Adam 900-323-1-33.1 Hampton Bays  
25A Gardners Lane  
Applicant seeks an interpretation that ZBA decision# 9849, dated September 5, 1996, granting area and setback relief obviates the necessity of variances from Town Code §330-11.2F (accessory apartment special standards) for the conversion of a garage into an accessory apartment. In the alternative, applicant requests relief from the following provisions of the Town Code to allow a garage converted into an accessory apartment without the benefit of a building permit to remain on a nonconforming lot that is less than 30,000 square feet: (i) §330-11.2(A) to allow an existing accessory apartment to remain on a lot where the principle dwelling nor the accessory apartment will be owner-occupied, (ii) §330-11.2F (accessory apartment special standards) for the following: a) to allow a lot area of 20,000 square feet where 32,000 is permitted, b) to allow a lot width of 80 feet where 105 feet is permitted, c) a principal minimum side yard setback of 18.7 feet where 35 feet is permitted, and d) a total side yard setback of 37.5 feet where 70 feet is required. In addition, applicant requests relief from the following provisions of the Town Code for the aforementioned accessory apartment, (i) §330-11.2J(1) to allow two access driveways to remain on a lot having an accessory apartment and (ii) §330-11.2G(1) to allow the size of the accessory apartment to be approximately 83% of the total floor area of the main dwelling where a maximum of 35% is permitted and any other relief necessary.
8. **Frederick & Lois Kelsey** (appl. 1500090) Brian 900-9-1-21 Noyac  
75 Cliff Drive  
Applicant requests relief from Town Code §330-84D (pyramid height) for a total proposed encroachment in the amount of 8,869 cubic feet (2,535 on the south side + 6,334 on the north side) for a proposed two-story dwelling and any other relief necessary.
9. **Jack Hoffmann & Daniel Haynia** (appl. 1500094) 900-16-2-16 Noyac  
94 Ridge Road  
Applicant requests relief from the following provisions of the Town Code: 1. To legalize a deck constructed within the required front yard on a nonconforming lot without the benefit of a building permit: (i) §330-11 (residence districts table of dimensional regulations): for a front yard setback of 32.3 feet where 40 feet is required, (ii) §330-76D (placement of accessory buildings and uses in all districts), (iii) §330-83C (yards) and (iv) 330-84A(4): to allow deck higher than one foot above ground level to remain within the required front yard; 2. To legalize a hot tub constructed without the benefit of a building permit: §330-11: for an accessory rear yard setback of 2 feet where 10 feet is required; and 3. §330-76D and §330-83C to allow the enclosed storage below the elevated deck to remain within the total required side yard of the principal building. In addition, applicant requests relief from Town Code §330-77D (placement of accessory buildings and uses in residence districts) to allow a rear yard coverage of 30.5%, where a maximum of 20% is permitted and any other relief necessary.
10. **Michael Denktsis** (appl. 1500093) 900-234-1-3 Shinnecock Hills  
300 Montauk Highway  
Applicant requests relief from Town Code §330-116 (extension) as it relates to Town Code §330-167B(1)(a) (specific types of variances) to legalize the conversion of a detached garage into 3 additional motel units without the benefit a building permit. In addition, applicant requests a determination as to whether relief is necessary to legalize the expansion of the single family dwelling which also operates as the motel's office to wit, an addition to the rear of the dwelling and any other relief necessary.

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**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

11. **Menzer Fenchel, LLC** (appl. 1500079) Helene 900-159-1-3 North Sea  
424 North Sea Road  
Applicant requests relief from Town Code §330-167(B)(3) (specific types of variances) to allow a change from one nonconforming use to another, to wit, from a one-story building used for the sale, storage, and repair of small garden, lawn & estate electrical and gasoline powered equipment to two special trade contractor offices for a plumber & electrician on a nonconforming lot and any other relief necessary.
12. **Dawn Thompson** (appl. 1500055) 900-376-2-6 Westhampton  
69 Baycrest Avenue  
Applicant requests relief from Town Code §330-116 (extension) as it relates to §330-167B(1)(a) (specific types of variances) and relief from Town Code §330-84D (pyramid height) for the following: For House #69: Relief for an encroachment in the amount of 2,943 cubic feet (1868 cu ft prior to addition(s) + 1,075 cu ft additional encroachment) and For House #69B: Relief for an encroachment in the amount of 3,272 cubic feet (2,508 cu ft prior to addition(s) + 864 cu ft additional encroachment); all to legalize additions constructed without the benefit of building permits to two-existing dwellings on a nonconforming lot with four dwellings and any other relief necessary.
13. **JTEN, Inc.** (appl. 1100096) 900-231-1-31 Hampton Bays  
295 East Montauk Highway  
Applicant is requesting relief for two signs on a nonconforming lot: Sign no.1 is an existing amortized awning sign and the request for relief is as follows: §330-205H: Any identification and lettering on such awnings or canopies shall be limited to the edge of the awning and shall be no more than six inches in height, but where a large sign is located on the angled surface of the fabric material. Sign no. 2 is a proposed freestanding sign and the request for relief is as follows: 1. §330-205B(2): Each freestanding sign permitted hereunder shall be set back at least 20 feet from all property lines unless the average front yard setback of existing buildings located within 200 feet on either side of such sign is less than 10 feet, in which case the setback of such sign may be equal to the average setback of such adjacent buildings, but where the proposed setback is 2'-6" from the front property line, 2. §330-84(D) (pyramid law) for an encroachment into the sky plane the amount of 12 cubic feet and any other relief necessary.

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**SCOPING SESSION**

**SCTM – HAMLET**

None schedule for this meeting

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**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 5/7/15 meeting:**

14. **Chester Szarejko** (appl. 1500050) Brian 900-230-1-15 Hampton Bays  
284 East Montauk Highway  
Pursuant to Town Code 330-165A, applicant appeals the Chief Building Inspector's denial of a request to issue a pre-existing certificate of occupancy for a two-family dwelling and any other relief necessary.

**Held over from the 4/16/15 meeting; adjourned from the 5/21/15 meeting:**

15. **Lisa Candido** (appl. 1500048) Helene 900-342-2-27 East Quogue  
12 Randall Lane  
Applicant requests relief from the following provisions of the Town Code to allow a proposed pool to be located within the required front yard of the principal building on a nonconforming lot: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83(C) (yards), and (iii) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 10 feet where 50 feet is required and any other relief necessary.

**Re-Opened and adjourned from the 5/21/15 meeting:**

16. **James M. Stone & Kathleen H. Curts-Stone** (appl. 1500063) 900-28-1-31 North Sea  
104 Lake Drive Laura  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback to 40 feet where 50 feet is required for a proposed garage - cabana. In addition, applicant requests relief from Town Code §330-84D (pyramid height) for a proposed total encroachment in the amount of 4,519 cubic feet (1308 existing + 3211 proposed) for a proposed 2<sup>nd</sup> story addition the existing dwelling on a nonconforming lot and any other relief necessary. In addition, applicant requests a determination as to whether or not the proposed accessory building is a subordinate or incidental building pursuant to §330-5 (definitions) because of its size in proportion to the main dwelling.

**Held over from the 6/4/15 meeting:**

17. **Todd & Jill Cohen** (appl. 1500083) Herb 900-383-1-24 Quogue  
31 Homans Avenue  
Applicant requests relief from the following provisions of the Town Code: (i) §330-11 (residence districts table of dimensional regulations) for an accessory side yard setback to 13.6 feet for a proposed swimming pool and to 7.5 feet for a proposed deck where 20 feet is required, and (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the proposed swimming pool and deck to be located within the required minimum and total side yard of the principal building and any other relief necessary.

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<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
Oldmill Watermill, LLC (written submissions)	Laura	6/4/15	900-114-1-25.4	Water Mill
Kathleen Flores	Adam	6/4/15	900-266-2-30.3	Hampton Bays
Highland East Group, LLC (written submissions)	Denise	6/4/15	900-209-3-69	Shinnecock Hills
Water Mill Shoppes, LLC	Laura	6/4/15	900-114-1-45	Water Mill
Estate of Doris Pflieger (Iynette D. Theinert) (written submissions)	Denise	6/4/15	900-316-1-22	East Quogue
Jesse & Nancy Kirsch	Herb	6/4/15	900-391-27.2	Westhampton
John Galietti & Mary Galietti (written submissions)	Keith	5/7/15	900-297-1-19	Hampton Bays
Nermin Brbutovic (written submissions)	Adam	5/21/15	900-231-1-15	Hampton Bays
Raymond & Angie Giovanniello	Adam	5/21/15	900-343-1-54	East Quogue
Kerry J. MacWhinnie	Laura	4/16/15	900-101-3-1.6	Water Mill
Carlo & Jennifer Gabrielli (written submissions)	Helene	4/2/15	900-59-2-14	North Sea
395 Rose Hill Road, LLC (written submissions)	Helene	3/19/15	900-115-3-15.2	Water Mill